

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names,

We believe we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled VENTILATOR BREATH DISPLAY AND GRAPHIC USER INTERFACE, the specification of which (check one)

_____ is attached hereto
X was filed on March 14, 1997
Application Serial No. 08/818,807
and was amended on (or amended through _____
(if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>NONE</u>			<u>Yes</u>	<u>No</u>
Number	Country	Day/Month/Year filed		

We hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a) which occurred between the

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Docket # 42414

filing date of the prior application and the national or PCT international filing date of this application.

<u>Appln. Serial No.</u>	<u>Filing Date</u>	<u>Status</u> (patented, pending abandoned)
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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

JAMES W. PAUL, Registration No. 29,967, DAVID G. PARKHURST, Registration No. 29,422, RICHARD A. BARDIN, Registration No. 20,365, and GILBERT B. KOVELMAN, Registration No. 19,552. Direct all telephone calls to James W. Paul, at telephone No. (310) 824-5555.

Address all correspondence to:

FULWIDER PATTON LEE & UTECHT, LLP
10877 Wilshire Boulevard, 10th Floor
Los Angeles, California 90024

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Docket # 42414

Full name of first inventor: CHARLES L. WALLACE

Inventor's signature: Charles L. Wallace

Date: 30 May 1997

Residence: ~~San Marcos, California~~ Carlsbad CA (CLW)
Encinitas, California

Citizenship: USA

Post Office Address: ~~1501 Casa Real Lane~~ ~~San Marcos, CA 92069~~ ~~7702 Camino to Laan Apt E204~~
~~Carlsbad, CA 92009~~ 188 Avenida Mimosa
Encinitas, CA 92024 (CLW)

Full name of second inventor: WARREN G. SANBORN

Inventor's signature: Warren G. Sanborn

Date: 29 May 1997

Residence: Escondido, California

Citizenship: USA

Post Office Address: 428 Avenida Adobe
Escondido, CA 92025

Full name of third inventor: DAVID ARNETT

Inventor's signature: David Arnett

Date: 25 JUN 1997

Residence: ~~Fallbrook, California~~ Half Moon Bay, California

Citizenship: USA

Post Office Address: ~~3648 Lupine Lane~~ ~~Fallbrook, CA 92028~~ 400 Fairway Drive
Half Moon Bay, CA 94019
DUD

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Docket # 42414

Full name of fourth inventor: JAY BUTTERBRODT

Inventor's signature: Jay Butterbrodt

Date: 7/31/97

Residence: ~~-Carlsbad, California--~~ ^{MB} Lawrenceberg, Indiana

Citizenship: USA

Post Office Address: ~~-2721-Argonauta-Street--~~ ^{MB} 20334 Rosemead Lane
~~-Carlsbad, CA 92009-----~~ Lawrenceberg, IN 47025

Full name of fifth inventor: HOWARD L. FERGUSON

Inventor's signature: Howard L. Ferguson

Date: 7-18-97

Residence: ~~Olympia, WA 98502--~~ ^{MB} Elk, WA

Citizenship: USA

Post Office Address: ~~7405-Gallagher-Cove-Road, NW--~~ E 11006 Boundary Road
~~Olympia, WA 98502-----~~ Elk, WA 99009 ^{#27}

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FULWIDER PATTON LEE & UTECH
LOS ANGELES



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Patent and Trademark Office
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OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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OCTOBER 27, 1997

PTAS
FULWIDER PATTON LEE & UTECH, LLP
JAMES W. PAUL, ESQ.
10877 WILSHIRE BLVD.
10TH FLOOR
LOS ANGELES, CA 90024



100543632A

Pat 424

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/16/1997

REEL/FRAME: 8712/0892
NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

WALLACE, CHARLES L.

DOC DATE: 05/30/1997

ASSIGNOR:

SANBORN, WARREN G.

DOC DATE: 05/29/1997

ASSIGNOR:

ARNETT, DAVID

DOC DATE: 06/25/1997

ASSIGNOR:

BUTTERBRODT, JAY

DOC DATE: 07/31/1997

ASSIGNOR:

FERGUSON, HOWARD L.

DOC DATE: 07/18/1997

ASSIGNEE:

NELLCOR PURITAN BENNETT INCORPORATED
4280 HACIENDA DRIVE
PLEASANTON, CALIFORNIA 94588

EXPRESS MAIL NO. EL045596000US

8712/0892 PAGE 2

SERIAL NUMBER: 08818807
PATENT NUMBER:

FILING DATE: 03/14/1997
ISSUE DATE:

PEARLENE FOSTER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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09-30-1997



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U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Docket # PURIT:42414

100543632

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Charles L. Wallace; Warren G. Sanborn;
David Arnett; Jay Butterbrodt and
Howard L. FergusonAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: NELLCOR PURITAN BENNETT INCORPORATED

Internal Address: _____

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SEP 16 1997

RECEIPT ACTING DIV.

Street Address: 4280 Hacienda DriveCity Pleasanton State California ZIP 94588Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of Conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____Execution Date: MAY 29, 1997; MAY 30, 1997;
JUNE 25, 1997; JULY 18, 1997 AND JULY 31, 1997

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

U.S. SERIAL NO. 08/818,807

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: FULWIDER PATTON LEE & UTECHT, LLPInternal Address: ATTN: JAMES W. PAUL, ESQ.6. Total No. of applications and patents involved 17. Total fee (37 CFR 3.41):.....\$ 40.00☒ Enclosed☒ Authorized to be charged to deposit account

ASSIGNMENT

This Assignment made by CHARLES L. WALLACE of Encinitas, California, WARREN G. SANBORN of Escondido, California, DAVID ARNETT of Half Moon Bay, California, JAY BUTTERBRODT of Lawrenceburg, Indiana, and HOWARD L. FERGUSON of Elk, Washington, Assignors, to NELLCOR PURITAN BENNETT INCORPORATED, a Delaware corporation, Assignee, having a place of business at 4280 Hacienda Drive, Pleasanton, CA 94588.

WHEREAS, Assignors have invented a new and useful VENTILATOR BREATH DISPLAY AND GRAPHIC USER INTERFACE, for which an application for United States Letters Patent was filed in the U.S. Patent and Trademark Office on March 14, 1997, as Serial No. 08/818,807; and

WHEREAS, Assignors believe themselves to be the original, first and joint inventors of the invention disclosed and claimed in said application Serial No. 08/818,807 for Letters Patent; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said invention, said application Serial No. 08/818,807 and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee, the entire right, title and interest in and to said invention, said application Serial No. 08/818,807 and any Letters Patent that may be granted for said invention in the United States and throughout

the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns, will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said invention, said application and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application Serial No. 08/818,807 or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

//

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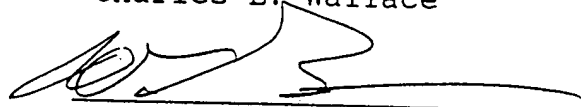
IN WITNESS WHEREOF, Assignors have executed this Assignment
on the dates written hereinbelow.

Assignors:

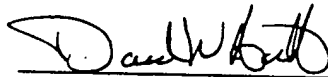
Dated: 30 May 1997


Charles L. Wallace


Dated: 29 May 1997


Warren G. Sanborn

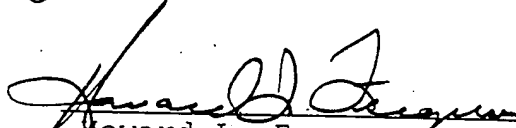
Dated: 25 JUN 1997


David Arnett

Dated: 31 JUL 1997


Jay Butterbrodt

Dated: 18 July 1997


Howard L. Ferguson

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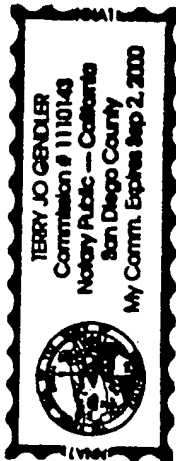
State of CALIFORNIA

County of SAN DIEGO

On 5/29/97 before me, TERRY JO GENDLER
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared WARREN G. SANBORN

☐ personally known to me -OR- ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose names ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument is the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Terry Jo Gendler
SIGNATURE OF NOTARY

OPTIONAL SECTION
CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the date below, doing so may prove invaluable to persons relying on the document.

☐ INDIVIDUAL
☐ CORPORATE OFFICER(S)

TITLE(S)
☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

THIS CERTIFICATE MUST BE ATTACHED TO
THE DOCUMENT DESCRIBED AT RIGHT:

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TITLE OR TYPE OF DOCUMENT _____

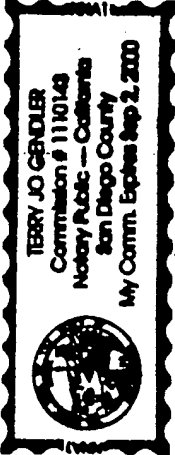
NUMBER OF PAGES _____ DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

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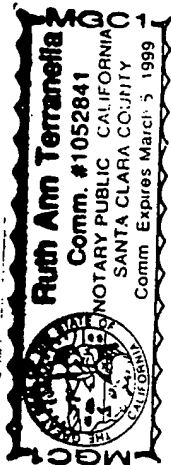
State of <u>CALIFORNIA</u>	
County of <u>SAN DIEGO</u>	
On <u>5/30/97</u> before me, <u>TERRY JO GENDLER</u>	
<small>DATE</small>	<small>NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"</small>
personally appeared <u>CHARLES L. WALLACE</u>	
<input type="checkbox"/> personally known to me -OR- <input checked="" type="checkbox"/> proved to me on the basis of satisfactory evidence to be the person(s) whose names is/are subscribed to the within instrument and acknowledged to me that he/ she/they executed the same in his/ her/their authorized capacity(ies), and that by his/ her/their signature(s) on the instrument is the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.	
WITNESS my hand and official seal.	
 <u>Terry Jo Gendler</u> <small>SIGNATURE OF NOTARY</small>	
<div style="text-align: right;">OPTIONAL SECTION CAPACITY CLAIMED BY SIGNER</div> <p>Though statute does not require the Notary to fill in the date below, doing so may prove invaluable to persons relying on the document.</p> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE OFFICER(S)</div><div style="text-align: right;"><small>TITLE(S)</small> <input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL <input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER _____</div></div> <div style="margin-top: 10px;">SIGNER IS REPRESENTING: <small>NAME OF PERSON(S) OR ENTITY(IES)</small> _____ _____ _____</div>	
<div style="display: flex; justify-content: space-between;"><div>THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT: <small>Though the date requested is not required by law, it could prevent fraudulent reattachment of this form.</small></div><div>OPTIONAL SECTION <small>TITLE OR TYPE OF DOCUMENT</small> _____ <small>NUMBER OF PAGES</small> _____ <small>DATE OF DOCUMENT</small> _____ <small>SIGNER(S) OTHER THAN NAMED ABOVE</small> _____</div></div>	

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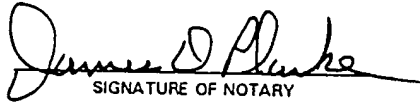
<p>State of <u>CALIFORNIA</u></p> <p>County of <u>SANTA CLARA</u></p> <p>On <u>4/25/99</u> before me, <u>RUTH ANN TERRANELLA, NOTARY PUBLIC</u></p> <p>DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"</p> <p>personally appeared <u>DAVID W. ARNETT</u></p> <p><input type="checkbox"/> personally known to me -OR- <input checked="" type="checkbox"/> proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument is the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.</p> <p>WITNESS my hand and official seal.</p> <p><u>Ruth Ann Terranella</u> SIGNATURE OF NOTARY</p>		<p>OPTIONAL SECTION</p> <p>CAPACITY CLAIMED BY SIGNER</p> <p>Though statute does not require the Notary to fill in the date below, doing so may prove invaluable to persons relying on the document.</p> <p><input type="checkbox"/> INDIVIDUAL</p> <p><input type="checkbox"/> CORPORATE OFFICER(S)</p> <p>TITLE(S)</p> <p><input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED</p> <p><input type="checkbox"/> GENERAL</p> <p><input type="checkbox"/> ATTORNEY-IN-FACT</p> <p><input type="checkbox"/> TRUSTEE(S)</p> <p><input type="checkbox"/> GUARDIAN/CONSERVATOR</p> <p><input type="checkbox"/> OTHER _____</p> <p>SIGNER IS REPRESENTING: NAME OF PERSON(S) OR ENTITY(IES)</p> <p>_____</p> <p>_____</p>
<p>OPTIONAL SECTION</p> <p>THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:</p> <p>Though the date requested is not required by law, it could prevent fraudulent reattachment of this form.</p> <p>TITLE OR TYPE OF DOCUMENT _____</p> <p>NUMBER OF PAGES _____ DATE OF DOCUMENT _____</p> <p>SIGNER(S) OTHER THAN NAMED ABOVE _____</p>		



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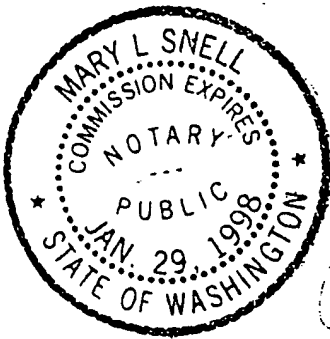
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of <u>INDIANA</u>		OPTIONAL SECTION	
County of <u>Ripley</u>		CAPACITY CLAIMED BY SIGNER	
On <u>7/31/97</u> before me, <u>JAMES O. PLUCKE</u>		Though statute does not require the Notary to fill in the date below, doing so may prove invaluable to persons relying on the document.	
DATE			
NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"			
personally appeared <u>Jay BUTTERBRODT</u>		<input type="checkbox"/> INDIVIDUAL	
		<input type="checkbox"/> CORPORATE OFFICER(S)	
<input checked="" type="checkbox"/> personally known to me -OR- <input type="checkbox"/> proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument is the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.		TITLE(S) <input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL <input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER _____	
WITNESS my hand and official seal.			
 SIGNATURE OF NOTARY		SIGNER IS REPRESENTING: NAME OF PERSON(S) OR ENTITY(IES) _____ _____ _____	
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		SIGNER(S) OTHER THAN NAMED ABOVE _____	

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<p>State of <u>Washington</u></p> <p>County of <u>Spokane</u></p> <p>On <u>7/18/97</u> before me, <u>Mary L. Snell, Notary Public</u>, <small>DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"</small></p> <p>personally appeared <u>Howard L. Ferguson</u></p> <p><input checked="" type="checkbox"/> personally known to me -OR- <input type="checkbox"/> proved to me on the basis of satisfactory evidence to be the person(s) whose names is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on on the instrument is the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.</p> <p></p> <p>WITNESS my hand and official seal.</p> <p><u>Mary L. Snell</u> SIGNATURE OF NOTARY</p>		<p>OPTIONAL SECTION</p> <p>CAPACITY CLAIMED BY SIGNER</p> <p>Though statute does not require the Notary to fill in the date below, doing so may prove invaluable to persons relying on the document.</p> <p><input type="checkbox"/> INDIVIDUAL</p> <p><input type="checkbox"/> CORPORATE OFFICER(S)</p> <p>TITLE(S)</p> <p><input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL</p> <p><input type="checkbox"/> ATTORNEY-IN-FACT</p> <p><input type="checkbox"/> TRUSTEE(S)</p> <p><input type="checkbox"/> GUARDIAN/CONSERVATOR</p> <p><input type="checkbox"/> OTHER _____</p> <p>SIGNER IS REPRESENTING: NAME OF PERSON(S) OR ENTITY(IES)</p> <p>_____</p> <p>_____</p>
<p>OPTIONAL SECTION</p> <p>THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:</p> <p><small>Though the date requested is not required by law, it could prevent fraudulent reattachment of this form.</small></p> <p>TITLE OR TYPE OF DOCUMENT _____</p> <p>NUMBER OF PAGES _____ DATE OF DOCUMENT _____</p> <p>SIGNER(S) OTHER THAN NAMED ABOVE _____</p>		

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Docket # PURIT:42414

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Charles L. Wallace; Warren G. Sanborn;
David Arnett; Jay Butterbrodt and
Howard L. FergusonAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: NELLCOR PURITAN BENNETT INCORPORATED

Internal Address: _____

Street Address: 4280 Hacienda DriveCity Pleasanton State California ZIP 94588Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of Conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____Execution Date: MAY 29, 1997; MAY 30, 1997;
JUNE 25, 1997; JULY 18, 1997 AND JULY 31, 1997

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

U.S. SERIAL NO. 08/818,807

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: FULWIDER PATTON LEE & UTECHT, LLPInternal Address: ATTN: JAMES W. PAUL, ESQ.6. Total No. of applications and patents involved 17. Total fee (37 CFR 3.41):.....\$ 40.00☒ Enclosed☒ Authorized to be charged to deposit account